



Minnesota - State Specific Information

Information provided is current as of August 5, 2024, and companies are encouraged to consult with legal counsel on these types of complex matters.

Cannabis Legalization History

Medical Use	Legalized – 2014 (SF 2470)
Recreational Use	Legalized – 2023 (SF 73)
Possession/Personal Use Specifics	Adults can legally possess up to 2 ounces of cannabis flower, 8 grams of concentrate, or edibles with 800mg THC at home. Individuals can grow up to eight marijuana plants at home, with four flowering at a time, for personal use.
	Consumption is allowed on private property (unless prohibited by the owner), in private residences, and at licensed establishments (though licensing isn't yet available). Public consumption remains illegal.

State Regulatory Agency Information

State Regulatory Agency	Minnesota office of Cannabis Management
State Forms (If Applicable)	None Specified

State Testing Policy

General Information	Employers have broad freedom to create drug testing policies, including random testing for safety-sensitive positions like those involving heavy machinery or public safety. Pre-employment testing for recreational marijuana is generally prohibited, and off-duty use outside of safety-sensitive roles cannot be the sole reason for termination without reasonable suspicion. Establishing robust documentation is a key risk mitigant for employers in states like Minnesota.
Safety Sensitive Positions	Any supervisory or management position , in which an impairment caused by drug, alcohol, or cannabis usage would threaten the health or safety of any person
Privacy Laws	Employers must have a written policy, conduct testing in a confidential manner, and inform employees of test results and their rights. Additionally, employers cannot disclose test results without the employee's consent, except in limited circumstances.

Recommended Procedures

Does the state have recommended procedures?

It is always recommended to have standardized documentation and training procedures and regular employee evaluations to set clear performance expectations.

[Minnesota doesn't mandate specific drug-free workplace procedures for private employers.](#) They have substantial freedom to establish their own policies, including testing for various substances and reasonable suspicion. Notably, pre-employment testing for recreational marijuana is generally prohibited, and termination solely based on off-duty use outside safety-sensitive roles is restricted. Because of this regulatory landscape, training and robust documentation are strongly recommended risk mitigants for employers.

State Employee Procedures and Policies

[Minnesota's state program](#) prohibits the unlawful manufacture, distribution, possession, or use of controlled substances while working or performing assigned duties. This policy applies to all employees, regardless of position or classification. Violating these guidelines can lead to disciplinary action, up to and including termination.

Protections for Use Outside Workplace/ Work Hours

Is Minnesota a "Right to Weed State"?

While Minnesota allows drug testing under certain circumstances, terminating or rejecting employment solely based on a first-time positive test for recreational marijuana [is illegal](#) due to the state's protections for off-duty cannabis use.

More Detailed Information

[Minnesota's Drug and Alcohol Testing in the Workplace Act](#)

State Requirements for Drug & Alcohol Testing Program

Testing policy requirements:

[Minnesota Statute 181.951](#)

Main Requirement:

While employers can test in specific situations, like safety-sensitive positions or after accidents, they generally can't test for recreational marijuana pre-employment or base termination solely on off-duty use. However, reasonable suspicion or accidents allow for testing. Importantly, discrimination based on protected characteristics is illegal.